

### **REMARKS**

This paper is responsive to the Office Action identified above, and is responsive in any other manner indicated below.

### **PAPER(S) MISSED AND/OR NOT ADEQUATELY TREATED**

As set forth in Applicant's 03 October 2005 Request For A Complete Office Action, the Office Action missed and/or inadequately treated prior papers in that it states that it is responsive to the Preliminary Amendment filed on July 25, 2003, not responsive to the Amendment filed on June 22, 2005. A copy of the Amendment and the Auto-Reply Facsimile Transmission were enclosed with Applicant's 03 October 2005 Request. Regarding the missed and/or untreated paper(s), it is respectfully requested that any further action regarding the present application fully treat or consider such paper(s). It is respectfully submitted that the claims within the present paper coincide with the Applicant's June 22, 2005 claims.

### **PENDING CLAIMS**

Claims 1-6 were pending, under consideration and subject to examination in the Office Action, and at entry of this paper, Claims 1-6 remain pending for further consideration and examination in the application.

### **NON-STATUTORY DOUBLE PATENTING REJECTION - DISCLAIMER FILED**

The obviousness-type double patenting rejection of Claims 1-3 and 5 as set forth within the section numbered "5" beginning on page 2 of the Office Action, is

respectfully traversed. However, in order to travel a path of least resistance to obtaining a patent for the present application, submitted herewith is an executed Terminal Disclaimer to overcome the non-statutory double patenting rejection. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection of the subject claims are respectfully requested. The above statements, or the filing of any Terminal Disclaimer, should not be taken as an indication or admission that the rejection was valid, but is merely use of a procedural approach to obtain a patent (without prejudice or disclaimer) as quickly as possible given that the present application's patent may have coextensive term anyways as measured from the same original filing date, regardless of any Terminal Disclaimer. Further discussions and/or arguments concerning such rejection(s), claims and/or reference are left for the future if/when appropriate.

As a final point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next Action final.

#### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that all prior art rejected appear allowable in view of the Terminal Disclaimer filed to obviate any double-patenting rejection, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.


### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, an early Notice of Allowance of such claims is respectfully requested.

To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Attached hereto is

a Form PTO-2038 authorizing the requisite claim and Disclaimer filing fees. Please charge any actual deficiency in fees required for entry of this paper to ATS&K Deposit Account No. 01-2135 (as Case No. 520.37129VC2).

Respectfully submitted,



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Attachments:  
Terminal Disclaimer  
PTO-2038